

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	CRIMINAL ACTION 09-005-KD-M
)	
ALVIN DAVIS, JR.,)	
Defendant.)	

ORDER

This matter is before the Court on Defendant Alvin Davis, Jr.’s motion for extension of time and for appointment of counsel to assist with the filing of a motion for a sentence reduction pursuant to 18 U.S.C. § 3582 (Doc. 33).¹

On December 6, 2011, Defendant sent the Court a three-page letter, which the Court construed and docketed as a *pro se* motion for a sentence reduction. (Doc. 30). On December 15, 2011, the Court ordered the Defendant to show cause as to why his motion should not be denied. (Doc. 31). Inasmuch as Defendant has already filed the very motion that he now seeks to file with the assistance of counsel and with the benefit of an extension of time, and inasmuch as Defendant has neither a statutory nor constitutional right to counsel with respect to the filing and litigation of a § 3582(c)(2) motion, see United States v. Webb, 565 F.3d 789, 794-95 (11th Cir. 2009), Defendant’s motion for an extension of time (Doc. 33) is **DENIED as MOOT**, and Defendant’s motion for appointment of counsel (Doc. 33) is **DENIED**. Furthermore,

¹ On January 10, 2012, Defendant sent the Court a letter asking for “a lawyer, and a[n] extension to prove [him]self worthy of a time reduction.” (Doc. 33). Attached to that letter was a *pro se* motion for a sentence reduction that Defendant submitted “[j]ust in case a[n] extension, or a lawyer is not possible.” (Id. at 2-4). While the Court liberally construes Defendant’s letter as both a motion for extension of time and a motion for appointment of counsel, it declines to consider the motion attached to the letter because the it has already construed previous correspondence from Defendant as a motion for § 3582(c)(2) relief. See Doc. 30.

Defendant's motion for a sentence reduction (Doc. 30) is due to be **DENIED** by separate order.

DONE and **ORDERED** this the **20th** day of **January 2012**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE